

March 9, 1983

LB 319

Department of Labor the independent contractors' status as it relates to motor carriers. The Department of Labor is trying to come back against the motor carrier industry when the ICC and the IRS have both determined are independent contractor status. Now this is a description put to people that own their own tractor and will lease to a motor carrier and perform services for that motor carrier but the services that I say are different from what the Department of Labor says is that they have to deliver that load but they can run any route they want to, they can buy their fuel any place they want to, they service their own vehicles, they are in no way, shape or an employee of that firm. So that is the reason that we are trying to define it. Some of the testimony by the Department of Labor people at the hearing said that they had worked long and hard with one of the attorneys of the firm that is in question here and they worked on language with respect to the independent trucker portion of the bill, and this is a quote, "We believe that that will be a much preferred language to what is currently in the printed LB 319", and that would be our amendment that we are hereby proposing. So with that I would move that we adopt that amendment.

SPEAKER NICHOL PRESIDING

SPEAKER NICHOL: Senator Barrett, did you want to talk to this portion of the amendment? Senator V. Johnson, did you want to talk to this portion of the amendment. Okay, Senator Schmit, are you going to close on this portion of the amendment? Senator Schmit. Okay, the question is the adoption of Section 1 of the amendment. All those in favor signify by voting aye, opposed nay. Have you all voted? You are voting on Section 1 of the amendment. Record, Mr. Clerk.

CLERK: 36 ayes, 0 nays on adoption of the committee amendment #1, Mr. President.

SPEAKER NICHOL: Section 1 is adopted. Now we will go to Section 2 of the amendment. Vard Johnson. Senator Schmit, did you wish to speak first to Section 2 of the amendment?

SENATOR SCHMIT: Mr. President, I apologize. Will you tell me what we are speaking on, then I will...?

SPEAKER NICHOL: We are speaking to Section 2 of the amendment. We adopted Section 1.